NOTES OF CASES.

Foreign Judgment—Criminal Prosecution for Negligence—Claim of Injured Person for Damages—Judgment for Criminal Offence; and Award of Damages to Injured Person—Severable Judgment—Penal Law.—Ranlin *v.* Fischer (1911) 2 K. B. 93. It appears that according to French law, where a person is prosecuted for criminal negligence, the person injured may intervene in the proceedings and claim damages for the injury sustained, which claim is tried along with the criminal charge, and a judgment pronounced both as to the criminal offence, and the civil claim for damages. In the present case the defendant, an American lady, had recklessly galloped her horse in the Avenue du Bois de Boulounge, and had run into and seriously injured the plaintiff. The defendant had been prosecuted in the French court for the offence, and the plaintiff had made a claim for, and had been awarded damages for the injury he had sustained. This part of the judgment he now sued upon in this action. The defendant contended that as, under the well-settled rule of international law, that one country will not enforce the penal laws of another country the claim could not be enforced in England; but Hamilton, J., who tried the action, held that the judgment in question was severable and that an action might be maintained in England on that part of it which awarded damages. —Canada Law Journal.

Reward Recovered.—Plaintiff in MacFarlane *v.* Bloch, 115 Pacific Reporter, 1056, found a pocketbook containing promissory notes of the value of more than $1,000, payable to Bloch, the defendant. Soon after defendant advertised in a newspaper, making the following offer: "Lost—Pocketbook. Return to county judge's office; $100.00 reward." In response thereto plaintiff went to the office, and saw Bloch's agent, and told him that she had come to get the reward for the lost pocketbook. When asked if she had the pocketbook, she replied that she knew where it was, and offered to produce it for the $100 reward. Defendant, instead of holding to his offer, refused to pay, and had her arrested for larceny of the book. Then, in order to avoid criminal proceedings, she surrendered it to Bloch, and brought this action to recover the reward. The Supreme Court of Oregon holds that an offer of reward is to be construed by the same rules as other contractual offers; further, that it was immaterial that she found the book before the offer was made, the reward not being for the finding but for the return of the book. Plaintiff complied with the conditions of the offer, so judgment is granted her.

"Jim Crow" Cars.—A case which turns upon the validity of an act of Oklahoma requiring railroad companies to provide separate

coaches or compartments for the accommodation of the white and negro races, equal in all points of comfort and convenience, is reported as McCabe *v.* Atchison, T. & S. F. Ry. Co., 186 Federal Reporter, 966. The argument is made that the act violates the fourteenth amendment of the Constitution of the United States, in that the enforced separation of the negro race from the white race abridges the privileges and immunities of the former, and denies to it the equal protection of the laws. The court (Circuit Court of Appeals, Eighth Circuit) holds that this is not an open question, for it has been held that such laws do not necessarily imply the inferiority of either race to the other, and are recognized as within the competency of the state legislature in the exercise of their police power. But it is next contended that the carriers operate under this law unevenly and oppressively to the negro race, and by their interpretation and execution of its provisions demonstrate that it is discriminating. The court answers that such interpretation and application by private citizens can have no effect because, if the reverse were true, lawbreakers might, by their continued violation of a law, convert their own lawlessness into law, and the lawbreaker and not the lawmaker might become its final interpreter. One special feature of the act which it is contended is in itself discriminatory provides that railroads are not prohibited from hauling sleeping cars, dining or chair cars to be used exclusively by either whites or negroes, separately, but not jointly. The court replies that such cars are, comparatively speaking, luxuries, and since the ability of the two races to indulge in luxuries, comforts, and conveniences is so dissimilar, a provision by which carriers might supply them for the exclusive use of either race, as circumstances dictate, makes no more discrimination against one race than the other. The statute is held constitutional. In a separate opinion, Judge Sanborn vigorously dissents from the majority of the court.

Playing for Drinks Is Gaming.—Old John Barleycorn brings more victims to grief, as evidenced by the case or Twilley *v.* State, 71 Southeastern Reporter, 587. Down in Hancock county, Ga., where the law against gaming and selling intoxicating liquors is most vigorously enforced, Tom Twilley one day was peacefully working in his shop, when he was visited by three "good fellows," who proposed that he leave his business and go with them to a police-forsaken spot, where they would engage in an innocent game of cards. One of them had a bottle of whisky (an article of great value in that vicinity), which he offered as the tempting stake. So they started, and in selecting a convenient place went to an old Catholic cemetery, where they could remain unmolested. The headboard of a grave was used for a table, and the game progressed. However,